

Application No: 10/662,960

Attorney: Carl D. Crowell  
#43,568

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF INVENTOR

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Patent Titled: A Method of Neuromodulation Therapy  
Inventor: FEINBERG, LESLIE, S.  
FILED: 09/15/2003  
APPLICATION NO.: 10/662,960  
15 EXAMINER: GILBERT, SAMUEL  
GROUP ART UNIT: 3736

In response to the Office Action mailed 08/25/2004, the applicant Leslie S.  
Feinberg, declares the following:

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1. I declare I am the inventor in pending application no. 10/662,960, titled: A  
Method of Neuromodulation Therapy, filed 09/15/2003 under my name.
2. My patent application has been rejected due to lack of utility, which I refute.
  - a) I personally use this technique and find this technique useful in providing  
25 therapeutic treatment to my clients.
  - b) I have taught this method to numerous others in the health care field who  
similarly find the disclosed method of therapy useful as per the enclosed  
statements and declarations in support of utility and enablement.
3. My patent application has been rejected due to lack of enablement, which I  
30 refute.
  - a) Enclosed is a copy of the manual, NMT: The Feinberg Technique (379  
pages), which effectively teaches the disclosed methodology and therapy  
of this application.

- b) The filed patent specification is an accurate and effective condensation of this manual.
- c) This manual is the text that I have used to effectively teach this method.
4. Claims in my patent have been rejected in light of the disclosure of Omura, (5,188,107). Omura teaches to a method of "vial based" physiological imaging, discussed and distinguished in the specification filed. My method is for a non-vial, muscle response testing therapy.
5. The examiner has rejected claims 1-9 based on my Internet publication, dated 8/13/200. Prior to September 16<sup>th</sup>, 2002, my methodology was not published or made public and still under development. This limited descriptive publication predates any publication or public offering of my invention.
6. The examiner has made a 1.1.05 requirement. Pursuant to that requirement, I state in this declaration the following:
- a) The first offering or public seminar of the disclosed method was held on or after September 16<sup>th</sup>, 2002.
- b) Attendees were charged for admission.
- c) The materials disclosed at that seminar were of the sum and substance of the enclosed document, NMT: The Feinberg Technique.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed:

Leslie S. Feinberg

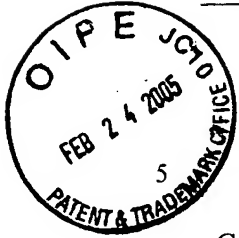
Date:

2/21/05

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Express Mail #



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DECLARATIONS 1-24